

House Amendment 8265

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1 1 Amend House File 2537 as follows:
1 2 #1. Page 16, line 21, by inserting after the word
1 3 the following: .
1 4 #2. By striking page 19, line 16 through page 22,
1 5 line 7 and inserting the following:
1 6 1 7 Sec. ____ NEW SECTION. 225C.8 LEGAL SETTLEMENT
1 8 DISPUTE RESOLUTION.
1 9 1. a. The dispute resolution process implemented
1 10 in accordance with this section applies to legal
1 11 settlement disputes and is not applicable to disputes
1 12 involving persons committed to a state facility
1 13 pursuant to chapter 812 or rule of criminal procedure
1 14 2.22, Iowa court rules, or to disputes of service
1 15 authorization decisions made through the county single
1 16 entry point process.
1 17 b. If a county receives a billing for services
1 18 provided to a person under chapter 222, 230, or 249A,
1 19 or objects to a legal settlement determination
1 20 certified by the department or another county and
1 21 asserts either that the person has legal settlement in
1 22 another county or that the person has no legal
1 23 settlement or the legal settlement is unknown so that
1 24 the person is deemed to be a state case, the person's
1 25 legal settlement status shall be determined as
1 26 provided in this section. The county shall notify the
1 27 department of the county's assertion within one
1 28 hundred twenty days of receiving the billing. If the
1 29 county asserts that the person has legal settlement in
1 30 another county, that county shall be notified at the
1 31 same time as the department. If the department
1 32 disputes a legal settlement determination
1 33 certification made by a county, the department shall
1 34 notify the affected counties of the department's
1 35 assertion.
1 36 2. The department or the county that received the
1 37 notification, as applicable, shall respond to the
1 38 party that provided the notification within forty-five
1 39 days of receiving the notification. If the parties
1 40 cannot agree to a settlement as to the person's legal
1 41 settlement status within ninety days of the date of
1 42 notification, on motion of any of the parties, the
1 43 matter shall be referred to the department of
1 44 inspections and appeals for a contested case hearing
1 45 under chapter 17A before an administrative law judge
1 46 assigned in accordance with section 10A.801 to
1 47 determine the person's legal settlement status.
1 48 3. a. The administrative law judge's
1 49 determination of the person's legal settlement status
1 50 is a final agency action, notwithstanding contrary
2 1 provisions of section 17A.15. The party that does not
2 2 prevail in the determination or subsequent judicial
2 3 review is liable for costs associated with the
2 4 proceeding, including reimbursement of the department
2 5 of inspections and appeals' actual costs associated
2 6 with the administrative proceeding. Judicial review
2 7 of the determination may be sought in accordance with
2 8 section 17A.19.
2 9 b. If following the determination of a person's
2 10 legal settlement status in accordance with this
2 11 section, additional evidence becomes available that
2 12 merits a change in that determination, the parties
2 13 affected may change the determination by mutual
2 14 agreement. Otherwise, a party may move that the
2 15 matter be reconsidered.
2 16 4. Unless a petition is filed for judicial review,
2 17 the administrative law judge's determination of the
2 18 person's legal settlement status shall result in one
2 19 of the following:
2 20 a. If a county is determined to be the person's
2 21 county of legal settlement, the county shall pay the
2 22 amounts due and shall reimburse any other amounts paid
2 23 for services provided under chapter 222, 230, or 249A
2 24 by the county or the department on the person's behalf
2 25 prior to issuance of the decision. The payment or

2 26 reimbursement shall be remitted within forty=five days
2 27 of the date the decision was issued. After the forty=
2 28 five-day period, a penalty may be applied as
2 29 authorized under section 222.68, 222.75, or 230.22.
2 30 b. If it is determined that the person has no
2 31 legal settlement or the legal settlement is unknown so
2 32 that the person is deemed to be a state case, the
2 33 department shall credit the county for any payment
2 34 made on behalf of the person by the county prior to
2 35 issuance of the decision. The credit shall be applied
2 36 by the department on a county billing no later than
2 37 the end of the quarter immediately following the date
2 38 of the decision's issuance.
2 39 Sec. _____. Section 222.61, unnumbered paragraph 1,
2 40 Code 2003, is amended to read as follows:
2 41 When a county receives an application on behalf of
2 42 any person for admission to a resource center or a
2 43 special unit or when ~~any~~ a court issues an order
2 44 committing any person to a resource center or a
2 45 special unit, the board of supervisors shall utilize
2 46 the single entry point process to determine ~~or the~~
2 47 ~~court shall determine and enter as a matter of record~~
2 48 ~~whether certify that the legal settlement of the~~
2 49 ~~person is in one of the following:~~
2 50 Sec. _____. Section 222.62, Code 2003, is amended to
3 1 read as follows:
3 2 222.62 SETTLEMENT IN ANOTHER COUNTY.
3 3 ~~Whenever~~ When the board of supervisors ~~utilizes a~~
3 4 ~~determines through the single entry point process to~~
3 5 ~~determine or the court determines~~ that the legal
3 6 settlement of the person is other than in the county
3 7 in which the application is received ~~or the court is~~
3 8 ~~located, the board or court shall, as soon as~~
3 9 ~~determination is made, certify such finding the~~
3 10 ~~determination shall be certified to the superintendent~~
3 11 ~~of the resource center or the special unit where the~~
3 12 ~~person is a patient. The certification shall be~~
3 13 ~~accompanied by a copy of the evidence supporting the~~
3 14 ~~determination. The superintendent shall charge the~~
3 15 ~~expenses already incurred and unadjusted, and all~~
3 16 ~~future expenses of the patient, to the county so~~
3 17 ~~certified until the patient's to be the county of~~
3 18 ~~legal settlement shall be otherwise determined as~~
3 19 ~~provided by this chapter.~~
3 20 Sec. _____. Section 222.63, Code 2003, is amended to
3 21 read as follows:
3 22 222.63 FINDING OF SETTLEMENT == OBJECTION.
3 23 ~~Said finding of A board of supervisors'~~
3 24 ~~certification utilizing the single entry point process~~
3 25 ~~that a person's legal settlement is in another county~~
3 26 ~~shall also be certified sent by the board of~~
3 27 ~~supervisors or the court to the county auditor of the~~
3 28 ~~county of legal settlement. The certification shall~~
3 29 ~~be accompanied by a copy of the evidence supporting~~
3 30 ~~the determination. Such The auditor of the county of~~
3 31 ~~legal settlement shall lay such notification before~~
3 32 ~~submit the certification to the board of supervisors~~
3 33 ~~of the auditor's county whereupon and it shall be~~
3 34 ~~conclusively presumed that the patient has a legal~~
3 35 ~~settlement in said that county unless the that~~
3 36 ~~shall, within six months, in writing filed with the~~
3 37 ~~board of supervisors or the court giving such notice,~~
3 38 ~~dispute said legal settlement disputes the~~
3 39 ~~determination of legal settlement as provided in~~
3 40 ~~section 225C.8.~~
3 41 Sec. _____. Section 222.64, Code 2003, is amended to
3 42 read as follows:
3 43 222.64 FOREIGN STATE OR COUNTRY OR UNKNOWN LEGAL
3 44 SETTLEMENT.
3 45 If the legal settlement of the person is ~~found~~
3 46 ~~determined~~ by the board of supervisors through ~~a the~~
3 47 ~~single entry point process or the court to be in a~~
3 48 ~~foreign state or country or is found determined to be~~
3 49 ~~unknown, the board of supervisors or the court shall~~
3 50 ~~immediately notify certify the determination to the~~
4 1 ~~administrator of the finding and shall furnish the~~
4 2 ~~administrator with a copy of the evidence taken on the~~
4 3 ~~question of legal settlement. The certification shall~~
4 4 ~~be accompanied by a copy of the evidence supporting~~
4 5 ~~the determination. The care of the person shall be as~~
4 6 arranged by the board of supervisors or by an order as

4 7 the court may enter. Application for admission or
4 8 order of commitment may be made pending investigation
4 9 by the administrator.
4 10 Sec. _____. Section 222.65, Code 2003, is amended to
4 11 read as follows:
4 12 222.65 INVESTIGATION.
4 13 ~~The~~ If an application is made for placement of a
4 14 person in a state resource center or special unit, the
4 15 administrator shall immediately investigate the legal
4 16 settlement of the person and proceed as follows:
4 17 1. ~~If the administrator finds that the decision of~~
4 18 ~~the board of supervisors or the court concurs with a~~
4 19 certified determination as to legal settlement of the
4 20 person is correct so that the person is deemed a state
4 21 case, the administrator shall cause the person either
4 22 to be transferred to a resource center or a special
4 23 unit and there maintained at the expense of the state
4 24 or to be transferred to the place of foreign
4 25 settlement.
4 26 2. ~~If the administrator finds that the decision of~~
4 27 ~~the board of supervisors or the court is not correct~~
4 28 disputes a certified determination of legal
4 29 settlement, the administrator shall order the person
4 30 transferred to a state resource center or a special
4 31 unit and there maintained at the expense of the county
4 32 of legal settlement in this state until the dispute is
4 33 resolved.
4 34 3. If the administrator disputes a certified
4 35 determination of legal settlement, the administrator
4 36 shall utilize the procedure provided in section 225C.8
4 37 to resolve the dispute. A determination of the
4 38 person's legal settlement status made pursuant to
4 39 section 225C.8 is conclusive.
4 40 Sec. _____. Section 222.67, Code 2003, is amended to
4 41 read as follows:
4 42 222.67 CHARGE ON FINDING OF SETTLEMENT.
4 43 ~~Where~~ If a person has been received into a resource
4 44 center or a special unit as a patient whose legal
4 45 settlement is supposedly outside the state or is
4 46 unknown and the administrator finds determines that
4 47 the legal settlement of the patient was at the time of
4 48 admission or commitment in a county of this state, the
4 49 administrator shall certify the determination and
4 50 charge all legal costs and expenses pertaining to the
5 1 admission or commitment and support of the patient to
5 2 the county of such legal settlement. The
5 3 certification shall be sent to the county of legal
5 4 settlement. The certification shall be accompanied by
5 5 a copy of the evidence supporting the determination.
5 6 If the person's legal settlement status has been
5 7 determined in accordance with section 225C.8, the
5 8 legal costs and expenses shall be charged to the
5 9 county or as a state case in accordance with that
5 10 determination. The costs and expenses shall be
5 11 collected as provided by law in other cases.
5 12 Sec. _____. Section 222.70, Code 2003, is amended by
5 13 striking the section and inserting in lieu thereof the
5 14 following:
5 15 222.70 LEGAL SETTLEMENT DISPUTES.
5 16 If a dispute arises between counties or between the
5 17 department and a county as to the legal settlement of
5 18 a person admitted or committed to a resource center, a
5 19 special unit, or a community-based service, the
5 20 dispute shall be resolved as provided in section
5 21 225C.8.
5 22 Sec. _____. Section 230.2, unnumbered paragraph 1,
5 23 Code 2003, is amended to read as follows:
5 24 ~~The~~ If a person's legal settlement status is
5 25 disputed, legal settlement shall be determined in
5 26 accordance with section 225C.8. Otherwise, the
5 27 district court shall may, when a the 5 28 placed in a hospital for psychiatric
examination and
5 29 appropriate treatment, or as soon thereafter as ~~it the~~
5 30 court obtains the proper information, determine and
5 31 enter of record whether the legal settlement of ~~said~~
5 32 the person is one of the following:
5 33 Sec. _____. Section 230.3, Code 2003, is amended to
5 34 read as follows:
5 35 230.3 CERTIFICATION OF SETTLEMENT.
5 36 If ~~such a person's~~ legal settlement is ~~found~~
5 37 determined through the county's single entry point

~~5 38 process to be in another county of this state, the~~
~~5 39 court shall, as soon as said determination is made,~~
~~5 40 the county making the determination shall certify such~~
~~5 41 finding the determination to the superintendent of the~~
~~5 42 hospital to which said patient the person is admitted~~
~~5 43 or committed, and thereupon said. The certification~~
~~5 44 shall be accompanied by a copy of the evidence~~
~~5 45 supporting the determination. Upon receiving the~~
~~5 46 certification, the superintendent shall charge the~~
~~5 47 expenses already incurred and unadjusted, and all~~
~~5 48 future expenses of such patient, the person to the~~
~~5 49 county so certified until said determined to be the~~
~~5 50 county of legal settlement shall be otherwise~~
~~6 1 determined as hereinafter provided.~~

6 2 Sec. _____. Section 230.4, Code 2003, is amended to
6 3 read as follows:
6 4 230.4 CERTIFICATION TO DEBTOR COUNTY.
6 5 ~~Said finding~~ A determination of a person's legal
6 6 settlement ~~made in accordance with section 230.2 or~~
6 7 230.3 shall ~~also be certified sent~~ by the cou
6 8 ntty to the county auditor of the county of ~~such~~
6 9 legal settlement. ~~The certification shall be~~
6 10 ~~accompanied by a copy of the evidence supporting the~~
6 11 ~~determination. Such The auditor shall lay such~~
6 12 ~~notification before provide the certification to the~~
6 13 board of supervisors of the auditor's county, and it
6 14 shall be conclusively presumed that ~~such the~~ person
6 15 has a legal settlement in ~~said the~~ notified county
6 16 unless ~~said that~~ county ~~shall within sixty days give~~
6 17 ~~notice in writing to the court that the county~~
6 18 ~~disputes the finding of legal settlement as provided~~
6 19 ~~in section 225C.8.~~

6 20 Sec. _____. Section 230.5, Code 2003, is amended to
6 21 read as follows:
6 22 230.5 NONRESIDENTS.
6 23 If ~~such a person's~~ legal settlement is ~~found by the~~
6 24 ~~court determined in accordance with section 230.2 or~~
6 25 230.3 to be in ~~some~~ a foreign state or country, or ~~is~~<
6 26 unknown, the court ~~or the county~~ shall immediately
6 27 ~~notify the certify the determination to the~~
6 28 administrator of the finding and furnish the
6 29 administrator with a copy of the evidence taken on the
6 30 question of legal settlement, and shall in its. The
6 31 certification shall be accompanied by a copy of the
6 32 evidence supporting the determination. A court order
6 33 issued pursuant to section 229.13 shall direct that
6 34 the patient be hospitalized at the appropriate state
6 35 hospital for persons with mental illness.

6 36 Sec. _____. Section 230.6, Code 2003, is amended to
6 37 read as follows:
6 38 230.6 DETERMINATION INVESTIGATION BY
6 39 ADMINISTRATOR.
6 40 The administrator shall immediately investigate the
6 41 legal settlement of ~~said a~~ patient and proceed as
6 42 follows:

6 43 1. If the administrator ~~finds that the decision of~~
6 44 ~~the court as to concurs with a certified determination~~
6 45 ~~of legal settlement is correct concerning the patient,~~
6 46 the administrator shall cause ~~said the~~ patient either
6 47 to be transferred to a state hospital for persons with
6 48 mental illness at the expense of the state, or to be
6 49 transferred, with approval of the court as required by
6 50 chapter 229 to the place of foreign settlement.

7 1 2. If the administrator ~~finds that the decision of~~
7 2 ~~the court is not correct disputes a certified legal~~
7 3 ~~settlement determination,~~ the administrator shall
7 4 order ~~said the~~ patient to be maintained at a state
7 5 hospital for persons with mental illness at the
7 6 expense of the state, ~~and shall at once inform the~~
7 7 court of such finding and request that the court's
7 8 order be modified accordingly until the dispute is
7 9 resolved.

7 10 3. If the administrator disputes a legal
7 11 settlement determination, the administrator shall
7 12 utilize the procedure provided in section 225C.8 to
7 13 resolve the dispute. A determination of the person's
7 14 legal settlement status made pursuant to section
7 15 225C.8 is conclusive.

7 16 Sec. _____. Section 230.9, Code 2003, is amended to
7 17 read as follows:
7 18 230.9 SUBSEQUENT DISCOVERY OF RESIDENCE.

7 19 If, after a ~~patient person~~ has been received ~~into~~
7 20 ~~by~~ a state hospital for persons with mental illness as
7 21 a state case patient whose legal settlement is
7 22 supposed to be outside this state or unknown, the
7 23 administrator ~~finds~~ determines that the legal
7 24 settlement of ~~said patient~~ the person was, at the time
7 25 of admission or commitment, in a county of this state,
7 26 ~~said the~~ administrator shall certify the determination
7 27 ~~and~~ charge all legal costs and expenses pertaining to
7 28 the admission or commitment and support of ~~said~~
7 29 ~~patient the person~~ to the county of ~~such~~ legal
7 30 settlement, ~~and the same~~. The certification shall be
7 31 sent to the county of legal settlement. The
7 32 certification shall be accompanied by a copy of the
7 33 evidence supporting the determination. The costs and
7 34 expenses shall be collected as provided by law in
7 35 other cases. If the person's legal settlement status
7 36 has been determined in accordance with section 225C.8,
7 37 the legal costs and expenses shall be charged to the
7 38 county or as a state case in accordance with that
7 39 determination.

7 40 Sec. _____. Section 230.12, Code 2003, is amended by
7 41 striking the section and inserting in lieu thereof the
7 42 following:

7 43 230.12 LEGAL SETTLEMENT DISPUTES.

7 44 If a dispute arises between different counties or
7 45 between the administrator and a county as to the legal
7 46 settlement of a person admitted or committed to a
7 47 state hospital for persons with mental illness, the
7 48 dispute shall be resolved as provided in section
7 49 225C.8.

7 50 Sec. _____. Section 232.141, subsection 8, Code
8 1 2003, is amended to read as follows:

8 2 8. This subsection applies only to placements in a
8 3 juvenile shelter care home which is publicly owned,
8 4 operated as a county or multicounty shelter care home,
8 5 organized under a chapter 28E agreement, or operated
8 6 by a private juvenile shelter care home. If the
8 7 actual and allowable costs of a child's shelter care
8 8 placement exceed the amount the department is
8 9 authorized to pay in accordance with law and
8 10 administrative rule, the unpaid costs may be recovered
8 11 from the child's county of legal settlement. However,
8 12 the maximum amount of the unpaid costs which may be
8 13 recovered under this subsection is limited to the
8 14 difference between the amount the department is
8 15 authorized to pay and the statewide average of the
8 16 actual and allowable rates in effect in May of the
8 17 preceding fiscal year for reimbursement of juvenile
8 18 shelter care homes. In no case shall the home be
8 19 reimbursed for more than the home's actual and
8 20 allowable costs. The unpaid costs are payable
8 21 pursuant to filing of verified claims against the
8 22 county of legal settlement. A detailed statement of
8 23 the facts upon which a claim is based shall accompany
8 24 the claim. Any dispute between counties arising from
8 25 filings of claims pursuant to this subsection shall be
8 26 settled in the manner provided to determine legal
8 27 settlement in section ~~230.12~~ 225C.8.

8 28 Sec. _____. Section 249A.26, Code 2003, is amended
8 29 by adding the following new subsection:

8 30 NEW SUBSECTION. 5. If a dispute arises between
8 31 different counties or between the department and a
8 32 county as to the legal settlement of a person who
8 33 receives medical assistance for which the nonfederal
8 34 share is payable in whole or in part by a county of
8 35 legal settlement, and cannot be resolved by the
8 36 parties, the dispute shall be resolved as provided in
8 37 section 225C.8.

8 38 Sec. _____. Section 252.23, Code 2003, is amended to
8 39 read as follows:

8 40 252.23 TRIAL.

8 41 If the alleged settlement is disputed, then, within
8 42 thirty days after notice as provided in section
8 43 252.22, a copy of the notices sent and received shall
8 44 be filed in the office of the clerk of the district
8 45 court of the county against which claim is made, and a
8 46 cause docketed without other pleadings, and tried as
8 47 an ordinary action, in which the county granting the
8 48 assistance shall be plaintiff, and the other
8 49 defendant, and the burden of proof shall be upon the

8 50 county granting the assistance. However, a legal
9 1 settlement dispute initiated under chapter 222, 230,
9 2 or 249A shall be resolved as provided in section
9 3 225C.8.
9 4 Sec. _____. APPLICABILITY.
9 5 1. The timeframes specified in section 225C.8, as
9 6 enacted by this division of this Act, are applicable
9 7 to legal settlement disputes involving billings for
9 8 services provided on or after July 1, 2004.
9 9 2. For legal settlement disputes involving
9 10 billings for services provided prior to July 1, 2004,
9 11 unless the county disputed the billing prior to July
9 12 1, 2004, the person's legal settlement shall be deemed
9 13 to be in the county that was billed for services
9 14 provided to the person. However, if a county disputed
9 15 the billing for a service provided prior to July 1,
9 16 2004, and the matter cannot be resolved with the
9 17 department of human services or with the other county,
9 18 in lieu of the forty-five-day period specified in
9 19 section 225C.8, subsection 2, a party may move for the
9 20 matter to be resolved in the manner provided in
9 21 section 225C.8, at any time prior to January 1, 2005.
9 22 If a party has not made such a motion, effective
9 23 January 1, 2005, the matter shall be closed and the
9 24 person's legal settlement shall be in the county that
9 25 was billed for services provided to the person.
9 26 Sec. _____. Sections 222.71, 222.72, 230.13, and
9 27 230.14, Code 2003, are repealed.>
9 28 #3. By renumbering as necessary.
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9 32 HEATON of Henry
9 33 HF 2537.701 80
9 34 jp/gg